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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) YOR920000131	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] Fax to (571) 273-8300 on 8/22/05 on _____ Signature <u>Anne Vachon Dougherty</u> Typed or printed name <u>Anne Vachon Dougherty</u>		Application Number 09/602,262	Filed June 23, 2000
		First Named Inventor Paul S. Cohen	
		Art Unit 2654	Examiner Martin Lerner
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		<u>Anne Vachon Dougherty</u> Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)		<u>Anne Vachon Dougherty</u> Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>30,374</u>		<u>(914) 962-5910</u> Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u>August 22, 2005</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ARGUMENTS FOR CONSIDERATION IN PRE-APPEAL BRIEF CONFERENCE

1. A 112 rejection for the introduction of new matter is not applicable to amendment language which expounds on the commonly-understood meaning of a claim term. Time stamping of a video signal or an audio signal is a well-known technique for adding time information to the signal without changing the video content or the audio content of the signal. Applicants did not introduce new matter to the application by amending the claim language to recite "processing a video signal to generate a video output comprising at least one time stamped acoustic identification...without altering the video content" (emphasis added).

2. The Examiner did not establish a *prima facie* case of obviousness against the claims. The claims expressly recite a method and system for providing synchronization of audio to video signals by aligning acoustic identifications from the video signal with the corresponding acoustic identifications from the audio signal. The primary reference, USP 5,608,839 of Chen, describes overlaying the video signal with synthesized video. As pointed out in Applicants' arguments, presented for example in

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the amendment filed on June 7, 2004 at pages 10-11, the claim language which expressly recites synchronizing the video signal to the audio signal is not rendered unpatentable by the Chen teachings of covering up non-synchronous original video content with synthesized video segments to make the presentation appear synchronous. Applicants further note that the additionally-cited secondary references, USP 6,317,716 of Braida and USP 6,366,885 of Basu, both teach displaying synthesized video with or in place of the original video signal. Braida even teaches that "[i]n some embodiments, the cue is synchronized to be displayed before the start of the facial action" (Col. 12, lines 9-10). Clearly, art which teaches altering the video display to appear synchronous with the audio output does not obviate an invention which actually synchronizes the two signals.

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